

MARCH 14, 2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROCIO TELLO,)
)
Plaintiff,)
)
vs.)
)
WILSHIRE CREDIT CORPORATION,)
)
Defendant.)

08 C 1525

**JUDGE MANNING
MAGISTRATE JUDGE NOLAN**

COMPLAINT

INTRODUCTION

1. Plaintiff Rocio Tello brings this action to secure redress from unlawful credit and collection practices engaged in by defendant Wilshire Credit Corporation. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA"). The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

VENUE AND JURISDICTION

2. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA), 28 U.S.C. §1331 and 28 U.S.C. §1337.

3. Venue and personal jurisdiction in this District are proper because:

a. Defendant's collection communications were received by plaintiff within this District;

- b. Defendant does business within this District.

PARTIES

4. Plaintiff Rocio Tello is an individual who resides in the Northern District of Illinois.

5. Defendant Wilshire Credit Corporation is a Nevada corporation that does business in Illinois. Its registered agent and office are Illinois Corporation Service Co., 801 Adlai Stevenson Dr., Springfield, IL 62703.

6. Wilshire Credit Corporation is engaged in the business of using the mails and telephone to collect consumer debts originally owed to others and in default when Wilshire first becomes involved with them.

7. Wilshire Credit Corporation is a debt collector as defined in the FDCPA.

FACTS

8. Wilshire Credit Corporation has been attempting to collect from plaintiff an alleged debt incurred for personal, family or household purposes, namely, a residential mortgage debt.

9. The alleged debt was originally owed to another and was in default when Wilshire first became involved with it.

10. On or about February 1, 2008, Wilshire Credit Corporation sent plaintiff Rocio Tello the collection letter attached as Exhibit A.

11. At the time, plaintiff was represented by counsel with respect to the alleged debt described in Exhibit A and Wilshire knew or should have known such fact.

12. The statement that plaintiff's property was "scheduled for auction

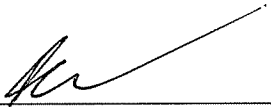
within the next 30 days” was distressing and made plaintiff upset.

VIOLATIONS COMPLAINED OF

13. Exhibit A violates 15 U.S.C. §§1692e, 1692E(2), 1692e(5), and 1692e(10).

WHEREFORE, the Court should enter judgment in favor of plaintiff and against defendant for:

- (1) Statutory damages;
- (2) Actual damages;
- (3) Attorney’s fees, litigation expenses and costs of suit;
- (4) Such other and further relief as the Court deems proper.

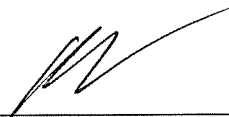


Daniel A. Edelman

Daniel A. Edelman
Cathleen M. Combs
James O. Lattuner
Cassandra P. Miller
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
120 S. LaSalle Street, 18th Floor
Chicago, Illinois 60603
(312) 739-4200
(312) 419-0379 (FAX)

JURY DEMAND

Plaintiff demands trial by jury.



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NOTICE OF LIEN

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards.



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EXHIBIT A

**Wilshire****Wilshire Credit Corporation**

February 01, 2008

TELLO, ROCIO
[REDACTED]

RE: Loan No. [REDACTED]

Property: [REDACTED]

PaymentsP.O. Box 105344; Atlanta, GA 30348-5344
or P.O. Box 7195; Pasadena, CA 91109-7195**Correspondence**

P.O. Box 8517; Portland, OR 97207-8517

Phone

888.502.0100

Fax

503.952.7476

Web Site<https://www.wcc.ml.com>

Dear: TELLO, ROCIO

Wilshire Credit Corporation is the servicer of the above-referenced loan. You have not contacted us to make suitable arrangements to bring your loan current.

Your property is in foreclosure and is scheduled for auction within the next 30 days.

Allowing your home to go to foreclosure carries serious credit implications, and may expose you to tax penalties and future collections of your unpaid debt.

We have several options that may assist you with your situation, however, time is of the essence. It is imperative that you contact a Loan Workout Specialist immediately to discuss options available to you.

Contact a loan workout specialist to discuss your loan at 1.888.917.1050. Wilshire's office hours are Monday through Friday 6:00 am to 5:00 pm Pacific Time, holidays excluded.

This may be your last chance to save your home from foreclosure sale.

This letter is being sent for discussion purposes only and shall not be construed as a waiver of Wilshire's rights or the loan owner's rights under the loan documents and any state or federal laws to collect amounts owed on your loan. Please also note this letter will not delay any normal collection or foreclosure proceedings.

Sincerely,

Wilshire Credit Corporation

YOU SHOULD CONSIDER THIS LETTER AS COMING FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. ANY INFORMATION PROVIDED BY YOU WILL BE USED TO COLLECT THIS DEBT. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT THE DEBT, BUT NOTICE OF POSSIBLE ENFORCEMENT OF OUR LIEN AGAINST THE COLLATERAL PROPERTY. COLORADO: FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE <http://www.ago.state.co.us/cado/cadomain.cfm>, NEW YORK CITY: License 1032551. NORTH CAROLINA: Permit 3840. TENNESSEE: This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. Wilshire Credit Corporation is licensed to do business at 14523 S.W. Millikan Way, Beaverton, OR. Wilshire's office hours are Monday - Friday 6:00 am to 5:00 pm Pacific time, holidays excluded.

Letter < > .rev < >